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**9. Homicide (§ 254\*)—Murder in Second Degree—Sufficiency of Evidence.**—Evidence held insufficient to sustain conviction of defendant for murder in the second degree of another man's wife, his paramour, with whom he was friendly while he had neither motive nor provocation to commit the crime.

[Ed. Note.—For other cases, see 2 Va.-W. Va. Enc. Dig. 820.]

Error to Corporation Court of Roanoke.

A. H. Karnes was convicted of murdered in the second degree, and brings error. Reversed, and case remanded for new trial if the Commonwealth shall be so advised.

*Hoge & Darnall*, of Roanoke, and *Hairston & Hopkins*, for plaintiff in error.

*John R. Saunders*, Atty. Gen., *J. D. Hank, Jr.*, Asst. Atty. Gen., and *Morton L. Wallerstein*, of Richmond, for the Commonwealth.

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SOUTHERN MFG. & SUPPLY CO. v. KLAVAN.

June 12, 1919.

[99 S. E. 566.]

**Sales (§ 479 (15)\*)—Failure to Pay Installments—Remedy.**—Under contract reserving title in seller and providing that in event of default in payment of any installment all deferred payments should become due and payable at seller's election, the seller in case of default could exercise his election to proceed by motion for recovery of the debt; the remedy afforded by Code 1904, § 2462, not being exclusive.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 71.]

Error to Corporation Court of Hopewell.

Proceedings by the Southern Manufacturing & Supply Company against one Klavan. Judgment for plaintiff was set aside, and new trial granted, and upon the second trial there was judgment for defendant, and plaintiff brings error. Reversed, and judgment entered for plaintiff.

*W. L. Devany, Jr.*, of Hopewell, for plaintiff in error.

*A. L. Jones*, of Monterey, for defendant in error.

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.